TO: Keith A. Minoff, Esq.		
(NAME OF PLAINTIFF'S AT	TORNEY OR UNREPRESENTED PLAINTIFF	
I acknowledge receipt of your request	that I waive service of a summons in the action of	
Harvey v. Sprague et al.	which is ease number 04-3004/-MAR	
. (CAPTION OF ACTION)	, which is case number 04-30044-MAP (OOCKET NUMBER)	
	District of	
Western Massachusette	I have also received a copy of the complaint in the	
action, two copies of this instrument, and a me	eans by which I can return the signed waiver to you	
without cost to me.		
Lagran to save the most of continue of		
	summons and an additional copy of the complaint in this whose behalf I am acting) be served with judicial process	
in the manner provided by Rule 4.	whose behalf I am acting, be served with judicial process	
I (or the entity on whose behalf I am a	cting) will retain all defenses or objections to the lawsuit	
the service of the summons.	ept for objections based on a defect in the summons or in	
I understand that a judgment may be e	entered against me (or the party on whose behalf I am	
acting) if an answer or motion under Rule 12 is	s not served upon you within 60 days after 3/18/04	
	(DATE REQUEST WAS SENT)	
or within 90 days after that date if the request	was sent outside the United States.	
/ /		
2/20/24	Cranco Ella	
(DATE)	(SIGNATURE)	
, ,	CBingham McCutchen LLP	
	as counsel for Printed/Typed Name: Wave Systems Corp., a Delaware Corpor	cation
	rimtedisyped name: Mave by beemb colp., a belawale collyce	
	AS of	

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear cost of such service unless good cause be shown for its failure to sign and return the

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons) and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

TO:	Keith A.	Minoff, Esq.	•		1 2	
		(NAME OF PLAINTIFF	S ATTORNEY OR UNRE	PRESENTED PLAINTIFF	<u> </u>	
				ervice of a summ		
Harvey	v. Sprague	et al.		, which is case i	number 04-3	30044-MAP
•		(CAPTION OF ACT	ION)	,	(0	OCKET NUMBER)
in the United	States Distric	ct Court for the _				District of
Western]	Massachuse	tts	l have	also received a	conv of the co	molaint in the
action, two c	opies of this i	instrument, and a	means by which	I can return the	signed waiver	to you
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or to the juris	the entity on validiction or ver the summon	nue of the court e	n acting) will reta except for objection	in all defenses or ons based on a d	objections to lefect in the si	the lawsuit ummons or in
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acting) if an a	answer or mo	tion under Rule 1:	2 is not served u	pon you within 60	O davs after	3/18/04
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			FS ATTORNEY OR UN	REPRESENTED PLA	INTER	
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Harvey	v. Sprague	et al.		. which is c	ase numb	er 04-30044-MAP
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in the United	d States Distric	ct Court for the _				District
Western	Massachuse	t t e	l be	vo alco rocciv	ad a aanu	of the complaint in t
action, two without cost	copies of this i	nstrument, and a	means by whi	ch I can return	the signed	or the complaint in t d waiver to you
lawsuit by n	ree to save the ot requiring the er provided by	at I (or the entity	of a summons on whose beh	and an additio alf I am acting)	nał copy o be served	f the complaint in th with judicial proces
or to the jur	r the entity on isdiction or ver of the summon	nue of the court	m acting) will re except for obje	etain all defens ctions based o	es or objec n a defect	ctions to the lawsuit in the summons or
l un	derstand that a	ijudgment may	be entered aga	inst me (or the	party on v	vhose behalf I am
acting) if an	answer or mo	tion under Rule 1	12 is not served	upon you with	hin 60 davs	after <u>3/18/0</u> 4
		t date if the requ			· ·	(DATE REQUEST WAS SE
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l aci	knowledge rece	eipt of your requ	est that I waive	service of a sumr	mons in the act	ion of
Harvey	v. Sprague	et al.		_, which is case	number 04-3	30044-MAP
•		(CAPTION OF ACT	ION)		(0	OCKET NUMBER)
in the United	d States District	Court for the _			·	District of
Western	Massachuset	ts	I hav	e also received a	CODY of the co	mplaint in the
action, two owithout cost	copies of this in	nstrument, and a	means by which	h I can return the	signed waiver	to you
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or to the juri	the entity on visdiction or ven of the summons	ue of the court e	n acting) will re except for objec	tain all defenses o tions based on a	or objections to defect in the su	the lawsuit ummons or in
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or within 90	days after that	date if the reque	st was sent out	side the United S	(DATE REC	DUEST WAS SENT)
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l a	icknowledge red	ceipt of your reque	est that I waive	service of a summ	ons in the action	n of
Harve	y v. Sprague	et al.		_ , which is case (number 04-306	044-MAP
•		(CAPTION OF ACT	ION)		(DOC	KET NUMBER)
in the Unit	ed States Distri	ct Court for the _	·			_ District of
Western	n Massachuse	tts	. I hav	e also received a	copy of the com	nlaint in the
action, two without co	copies of this	instrument, and a	means by which	th I can return the	signed waiver to	you
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or t o the ju	or the entity on prisdiction or ve of the summon	nue of the court e	n acting) will re except for objec	tain all defenses or tions based on a d	objections to the sum	e lawsuit Imons or in
l u	nderstand that	a judgment may b	e entered agair	nst me (or the part	y on whose beh	alf i am
acting) if a	n answer or mo	otion under Rule 12	2 is not served	upon you within 60	days after 3/1	18/04
				side the United Sta	(DATE REQUE	ST WAS SENT
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(OĂTE)			Bin	(SIGNATURE) (gham McCutchen	LUZ	
			as Printed/Typed #	counsel for George Gil	lder	
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nai vey	v. Sprague	(CAPTION OF ACT	TION)	, which is case nu	mber <u>04-3</u>	0044-MAP
		ct Court for the _			(50	
						District of
action, two o	copies of this i	instrument, and a	means by which	also received a co I can return the sign	ppy of the col gned waiver:	nplaint in the to you
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or to the juri:	the entity on sdiction or ver f the summon	nue of the court e	π acting) will reta except for objecti	in all defenses or o ons based on a def	objections to fect in the su	the lawsuit mmons or in
l uno	derstand that a	a judgment may t	pe entered agains	t me (or the party	on whose be	half I am
				pon you within 60 o	IDATE REO	/18/04 UEST WAS SENT)
3/2-1 (DATE)	9/04		o as c	(Signature) ham McCutchen lounsel for me: Steven K. S	-	
			AS Preside	nt	of Wave S	<u>ystems C</u> orp

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3/29/04 (DATE)	Bingham McCutchen LP as counsel for
	Printed/Typed Name: Gerard T. Feeney
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